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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SLOMAN NEPTUN SCHIFFAHRTS
AKTIENGESELLSCHAFT

Plaintiff,

09 CV 5813
ECF Case

v.

BUNKERS INTERNATIONAL CORPORATION,
PETRO COSTA C.I. LTDA
and SEA & LAND FUELS S.A.

Defendants.

**AGREED ORDER APPROVING BOND AS SUBSTITUTE SECURITY
AND FOR IMMEDIATE RELEASE OF FUNDS**

On the application of Defendant Bunkers International Corporation ("BI") and in consideration of the pleadings and proceedings held herein including Plaintiff's Verified Complaint seeking security in the total amount of Four Hundred Forty Two Thousand, Two Hundred Ninety Five Dollars and Fifty Cents (U.S. \$442,295.50, inclusive of interest and costs) and pursuant to Supplemental Admiralty Rules to the Federal Rules of Civil Procedure, including Rule E(5), and 28 U.S.C. § 2464, and upon agreement of plaintiff Sloman Neptun Schiffahrts Aktiengesellschaft

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the amount of bond to be filed by Defendant BI is hereby set at the sum of Four Hundred Forty Two Thousand, Two Hundred Ninety Five Dollars and Fifty Cents (U.S. \$442,295.50, inclusive of interest and costs);

2. That the bond tendered by Defendant and provided by the surety, Travelers Casualty and Surety Company of America, in the amount of Four Hundred Forty Two Thousand, Two Hundred Ninety Five Dollars and Fifty Cents (U.S. \$442,295.50) is hereby approved by the Court;


3. That the maritime attachment of Defendant BI's property in the hands of any and all garnishees in the within proceedings is hereby dissolved and vacated and that the case shall proceed in ordinary course;

4. That any garnishee holding property of Defendant BI pursuant to the Order of attachment issued in this case is hereby ordered and directed to release such property pursuant to written instructions to be provided by letter from Defendant's counsel to any such garnishee, together with a copy of this Order, Plaintiff immediately to provide Defendant's counsel with the physical, email and fax address to which Plaintiff has served any writ in this action;

5. That the provision of the bond approved by the Court is to be entirely without waiver of or prejudice to any and all other rights, claims, counterclaims and/or defenses whatsoever which are, or may be available to BI, including, but not limited to, any and all defenses or rights in respect of the validity of the order of attachment issued in the captioned action and/or the right to challenge the attachment and/or the right to seek countersecurity, and/or to any claims which BI may have in respect of the underlying proceedings between the parties;

6. Plaintiff, its successors, agents, and assignees shall refrain from arresting, attaching or otherwise detaining or restricting any assets of BI or any related companies or individuals in any jurisdiction in relation to the claim asserted herein.

SO ORDERED this July 16, 2009



U. S. D. J.
Sidney H. Stein